

REMARKS

Claims 5, 7, 9, 11, and 13-15 are pending in this application. Claims 7, 9 and 11 are amended, claims 6, 10 and 12 are canceled without prejudice to or disclaimer of the subject matter found therein, and claims 13-15 are added. No new matter has been added.

Applicant respectfully reminds the Examiner that as MPEP §704.01 states, "the invention should be thoroughly understood before a search is undertaken." It appears from this third Office Action that a thorough understanding of the invention was not conducted before a search was taken. The previous search conducted by the Patent Office included U.S. classification 606/107. However, the alleged newly discovered references to Chambers et al. and Sorensen are in the same U.S. classification that has already been searched by the Patent Office, which is U.S. classification 606/107. Accordingly, it is hard for Applicant to understand why there are newly discovered references, which are in the same classification as previous searches conducted by the Patent Office. Applicant respectfully reminds the Examiner that the continuing issues of Office Actions is a burden on Applicant's cost and time.

Claims 6, 11, and 12 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,048,348 to Chambers et al. (Chambers). The rejection is respectfully traversed.

Chambers fails to disclose an intraocular lens insertion instrument including a cylinder provided with an insertion part which is inserted in an eye through an incision formed in the eye; a push-out unit which is mounted axially movably in the cylinder to push out an intraocular lens placed in the cylinder to the outside through the insertion part; and a plate spring which is set in contact with the push-out unit to adjust working pressure needed to move the push-out unit by changing frictional force on the push-out unit, as recited in claim 11.

In Chambers, the coil spring 24 does not adjust working pressure needed to move the push-out unit by changing frictional force on the push-out unit. As Chambers describes, the coil spring 24 is provided to create a force between the cylindrical barrel 12 and slidable plunger 16 (col. 5, lines 53-55). The coil spring 24 of Chambers is wrapped around a portion of the plunger 16 (Fig. 3). As shown in Fig. 5 of Chambers, the coil spring 24 engages with the slidable plunger 16 when the slidable plunger 16 is moved in a right-ward direction sufficiently to engage an opposite end face 26b of the sleeve stop 26 with the end face 12a of the cylindrical barrel 12 (col. 5, lines 59-65).

But, the coil spring 24 of Chambers only produces an appropriate repulsive force in an axial direction (Figs. 1-3). The spring 24 of Chambers is not a plate spring which is set in contact with the push-out unit, as recited in claim 11. Further, the spring 24 of Chambers does not enable adjustment of working pressure as needed to move the push-out unit by changing frictional force on the push-out unit, as recited in claim 11.

Applicant's intraocular lens insertion instrument as recited in claim 11 includes a plate spring which is set in contact with the push-out unit to adjust working pressure needed to move the push-out unit by changing frictional force on the push-out unit (e.g., Fig. 6 of application). One advantage, for example, of Applicant's intraocular lens insertion instrument as recited in claim 11 is the working pressure of the intraocular lens insertion instrument to inject the intraocular lens into the eye can appropriately be adjusted to favorable working pressure according to individual users (operators) (page 9, lines 5-8 of specification). Chambers fails to disclose these features and advantages.

Thus, Chambers does not disclose each and every feature as recited in claim 11 and the rejection under 35 U.S.C. §102 is inappropriate. Further, Chambers does not suggest the features as recited in claim 11. The cancellation of claims 6 and 12 renders the rejection moot as to claims 6 and 12. It is respectfully requested that the rejection be withdrawn.

Claims 5, 7, 9, and 10 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,437,678 to Sorensen. The rejection is respectfully traversed.

Sorensen fails to disclose an intraocular lens insertion instrument including a cylinder provided with an insertion part which is inserted in an eye through an incision formed in the eye; a push-out unit which is mounted axially movably in the cylinder to push out an intraocular lens placed in the cylinder to the outside through the insertion part; an elastic member which is set in contact with the push-out unit and deformed under pressure; and an adjustment member which is set to push out the elastic member in an axial direction of the push-out unit to change a deformed state of the elastic member, and the adjustment member being adapted to adjust working pressure need to move the push-out unit by changing frictional force on the push-out unit according to the deformed state of the elastic member, wherein the adjustment member includes a washer, as recited in claim 7.

Sorensen also fails to disclose an intraocular lens insertion instrument including a cylinder provided with an insertion part which is inserted in an eye through an incision formed in the eye; a shaft which is mounted axially movably in the cylinder to push out an intraocular lens placed in the cylinder to the outside through the insertion part; an O-ring which is set in contact with the shaft; and an adjustment member which is set to push out the O-ring in an axial direction of the shaft to change a deformed state of the O-ring, and the adjustment member being adapted to adjust working pressure need to move the shaft by changing frictional force on the shaft according to the deformed state of the O-ring, as recited in claim 9.

In Sorensen, the apparatus has a probe (sheath 170, cannula 161, etc.) with a rotary tip 163 (Fig. 5a; col. 8, lines 10-29 of Sorensen). The apparatus as taught by Sorensen includes an O-ring 177, an associated retainer 178, and a nose cone 172 attached with the probe to prevent the flow of fluid in/out of the apparatus through the surface of the probe and to

provide a sufficient frictional force to maintain the sheath in a front/back position of the nose cone (col. 8, lines 10-29 of Sorensen).

However, Sorensen's apparatus is an apparatus for surgically removing a crystalline lens, which is not directed to the intraocular lens insertion instrument as recited in claims 7 and 9. Although Sorensen's apparatus has the O-ring 177, the O-ring 177 is required only to provide a frictional force as needed to maintain the sheath in the front/back position of the nose cone 172 (col. 8, lines 10-29). Sorensen is silent as to any mechanism for appropriately adjusting the frictional forces according to the operator's choice or preference.

As recited in claims 7 and 9, an adjustment member which is set to push out the elastic member or O-ring in an axial direction of the push-out unit or shaft to change a deformed state of the elastic member or O-ring, and the adjustment member being adapted to adjust working pressure need to move the push-out unit or shaft by changing frictional force on the push-out unit or shaft according to the deformed state of the elastic member or O-ring. Accordingly, the adjustment member as recited in claims 7 and 9 is arranged for producing working pressure suitable for each operator in an operation to move the push-out unit (shaft) to insert an intraocular lens in a capsule from which the crystalline lens has been removed. Sorensen fails to disclose these features and advantages.

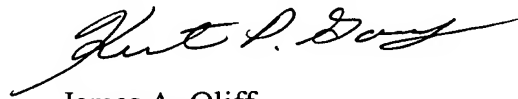
Thus, Sorensen does not disclose each and every feature as recited in claims 7 and 9 and the rejection under 35 U.S.C. §102 as inappropriate. Further, Sorensen does not suggest the features as recited in claims 7 and 9.

Because Sorensen does not disclose or suggest the features as recited in claim 7, Sorensen cannot possibly anticipate the subject matter of claim 5, which depends from claim 7, for the reasons discussed with respect to claim 7 as well as for the additional features recited therein. With respect to claim 10, the cancellation of claim 10 renders the rejection moot. Thus, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 5, 7, 9, 11, and 13-15 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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